

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRANCISCO SIERRA,

Plaintiff,

v.

T. HOLMES,

Defendant.

Case No. 1:22-cv-00964-ADA-SAB (PC)

ORDER DIRECTING CLERK OF COURT
TO TERMINATE ACTION PURSUANT TO
PARTIES' STIPULATION FOR
VOLUNTARY DISMISSAL

(ECF No. 26)

Plaintiff Francisco Sierra is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On May 24, 2023, the parties filed a stipulation to dismiss this action with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as the case has been resolved in its entirety. (ECF No. 42.)

Rule 41(a)(1)(A)(ii) provides in pertinent part that, "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared. A voluntary stipulation to dismiss an action pursuant to Rule 41(a)(1)(A)(ii) automatically terminates the action without operation of a court order." Black Rock City, LLC v. Pershing Cty. Bd. of Comm'rs, 637 F. App'x 488 (9th Cir. 2016) (citing Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999)). Here, Plaintiff and counsel for Defendant have signed and dated a stipulation to dismiss this action, and filed it with the Court.

1 In light of parties' stipulation for voluntary dismissal, this action is dismissed with
2 prejudice. Fed. R. Civ. P. 41(a)(1)(A)(ii). Each party is to bear its own litigation costs and
3 attorney's fees.

4
5 IT IS SO ORDERED.

6 Dated: May 25, 2023


UNITED STATES MAGISTRATE JUDGE